

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Bail Appl..No. 7040 of 2007()

CMP.4196/2007 of J.M.F.C.-I, CHENGANNUR
CRIME NO.613/2007 OF CHENGANNUR POLICE STATION
.....

: PETITIONER/ACCUSED

MANOHARAN, S/O VASUDEVAN,
KULATHUMKAROTTU MELETHIL VEEDU,
AREEKKARA MURI, MULAKUZHA VILLAGE.

BY ADV. SRI.RASHEED C.NOORANAD

RESPONDENTS: STATE/COMPLAINANT

STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

B.A.No.7040 of 2007

Dated this the 20th day of November 2007

O R D E R

Application for regular bail. The petitioner faces allegations for offences punishable inter alia under Sections 452 and 361 read with 511 I.P.C. The brother of the petitioner is the de facto complainant. It is alleged that the petitioner had trespassed into the house and had attempted to kidnap the daughter of the de facto complainant. There are bitter disputes between the family members. The alleged incident took place on 31/10/2007. The crime was registered only on 6/11/2007. Investigation is pending. The petitioner was arrested on 6/11/2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. There was an attempt by the police officials to settle the disputes. As the petitioner did not implicitly accept the suggestions of the police officers, a vexatious complaint has been filed against the petitioner and the police have effected the arrest. In these circumstances, the petitioner may now be enlarged on bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor fairly does not oppose the application for regular bail; but submits that for the interests of harmony, appropriate conditions may be imposed to ensure that the

petitioner does not enter the arena of dispute for some period of time after his release.

4. I am satisfied that regular bail can be granted to the petitioner who has been remaining in custody from 6/11/2007, subject to appropriate terms and conditions.

5. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays for a period of two months and thereafter as and when directed by the investigating officer in writing to do so.

iii) During the said period of two months, the petitioner shall not enter the jurisdiction of the Chengannoor police station without the prior permission of the learned Magistrate except for the purpose of complying with condition No.2 above.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007